

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KENNETH A. STEWARD,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:08cv590

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Hogan filed on January 6, 2009 (Doc. 11), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 27, 2009, hereby **ADOPTS** said Report and Recommendation.

Accordingly, defendant's unilateral motion for entry of judgment with remand under sentence four of 42 U.S.C. § 405(g) is **GRANTED**.

The decision of the Commissioner is **REVERSED** and **REMANDED** for further proceedings under sentence four of 42 U.S.C. § 405(g).

Upon remand, the Administrative Law Judge will:

1. Further evaluate plaintiff's mental impairment, resolve any inconsistencies with the opinion evidence, consider the evidence and re-evaluate plaintiff's maximum residual functional capacity;
2. Consider plaintiff's substance abuse on his ability to work;

3. Obtain any additional development deemed necessary to complete the administrative record, obtain supplemental evidence and if necessary obtain supplemental vocational expert testimony; and
4. Issue a new decision.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court